

ZONING BOARD OF APPEALS

Fiscal Year 2011

The Amherst Zoning Board of Appeals (ZBA) received 25 applications during Fiscal Year 2011, two (2) of which were withdrawn.

The Zoning Board of Appeals met 39 times during FY 11. The number of applications during FY 11 represents a noticeable increase in activity over the previous fiscal year and the Zoning Board of Appeals decided more commercial applications (15) than residential requests (8).

The following chart shows the number of applications submitted for the Fiscal Years from 2005 to 2011:

Fiscal Year	Number of Applications
2005	41
2006	52
2007	43
2008	37
2009	42
2010	14
2011	25

During this fiscal year, the Zoning Board of Appeals granted a Comprehensive Permit under Chapter 40B for a 42 unit affordable housing development on Olympia Drive. The project represents decades of work by the Town to develop affordable housing on this property. This is the first Comprehensive Permit issued in the Town of Amherst since 2001.

The Zoning Board of Appeals also approved a six unit apartment building on High Street. Approval of the project required a compromise between design and density in order to balance the needs of the proponent with the concerns of abutting single family residences. This was the first Special Permit granted for a project in the Neighborhood Business (B-N) Zoning District created in 2009.

The following is an overview of the Special Permits issued for residential uses:

Residential

- § To alter a non-conforming structure and use by adding an exterior staircase and reducing the number of units from five (5) to four (4), under Section 9.22 of the Zoning Bylaw, at 665 Main Street.
- § To add one (1) additional bedroom in each unit of an existing two-family dwelling and to remove a requirement for an on-site manager, under Section 10.33 of the Zoning Bylaw, at 192/194 Belchertown Road.
- § To add two (2) additional bedrooms in one (1) of two (2) units on the property and to remove a requirement for owner occupancy and/or on-site manager, under Section 10.33 of the Zoning Bylaw, at 204/206 Belchertown Road.

- § To modify the flag lot configuration approved in Special Permit ZBA FY2008-00007, under Section 10.33 of the Zoning Bylaw, at 38 Gray Street.
- § To create a two-family dwelling, with no exterior changes (except for a new exterior door), under Section 3.321 of the Zoning Bylaw, at 310 South East Street.
- § To construct six (6) additional residential units (town houses) in a separate structure on a lot containing a four (4) unit dwelling, under Section 3.322 of the Zoning Bylaw, at 13 -15 High Street.
- § To construct an eight (8) foot fence on a property line, under Section 6.29, of the Zoning Bylaw, at 147 Chestnut Street.

Commercial

The Zoning Board of Appeals approved the establishment of six new Class II restaurants, including the relocation of the Amherst Brewing Company (ABC) to University Drive and the establishment of the High Horse Brewery in the former ABC location on North Pleasant Street. The other restaurants included Lit (a nightclub), Mission Cantina, Johnny's Tavern, White Hut and Olde Towne Tavern. The Board also approved the Amherst Farm Winery operation on Belchertown Road.

Another noteworthy commercial project included the approval of a new, 15,000 square foot medical office building on Research Drive.

The following is an overview of the Special Permits issued for business or commercial uses:

- § To structurally alter and enlarge a non-conforming building, associated with DeMaio Dental, under Section 9.22 of the Zoning Bylaw, at 15-33 Pray Street.
- § To establish a Class II restaurant/bar, d/b/a Lit, under Section 3.352.1 of the Zoning Bylaw, at 41 Boltwood Walk.
- § To establish a winery/Class II farm stand, d/b/a Amherst Farm Winery, under Section 3.3121 of the Zoning Bylaw, at 529 Belchertown Road.
- § To install an oversized monument sign and replace a series of three (3) existing free standing identification and directional signs, for Cooley Dickson, under Section 8.41 of the Zoning Bylaw, at 170 University Drive.
- § To construct a new, LEED certified building, with other site improvements, such as parking and landscaping, to be used as a medical office under Section 3.360.0 of the Zoning Bylaw, at 15 Research Drive.
- § To construct a fence taller than six (6) feet, within or closer to the property lines than allowed, for W.D. Cows, under Section 6.29 of the Zoning Bylaw, at 134 Montague Road
- § To establish a Class II restaurant with outdoor dining, d/b/a Mission Cantina, in the space formerly occupied by Andiamo Restaurant, under Section 3.352.1 and 5.041 of the Zoning Bylaw, at 485 West Street.
- § To establish a new Class II restaurant & bar, d/b/a Amherst Brewing Company, with accessory outdoor dining, sales and distribution, under Section 3.352.1 and 5.041 of the Zoning Bylaw, at 6 University Drive.
- § To establish a new Class II restaurant or bar, d/b/a Olde Towne Tavern, with accessory live music, under Section 3.352.1 and 5.042 of the Zoning Bylaw in the space formerly occupied by Charlie's Tavern, at 1-3 (or 15-33) Pray Street.

- § To allow for accessory live music, on an outdoor dining terrace, from 6 p.m. to 9 p.m., for Bertucci's, under Section 5.042 of the Zoning Bylaw, at Bertucci's at 51 East Pleasant Street.
- § To establish a Class II restaurant, d/b/a Johnny's Tavern, with alcohol service and hours of operation until 1:00 a.m., with accessory outdoor dining and live entertainment, under Sections 3.352.1, 5.041 and 5.042 of the Zoning Bylaw, in the space formerly known as La Piazza, at 30 Boltwood Walk.
- § To establish a Class II restaurant, d/b/a White Hut, with no alcohol service, with hours of operation until 2:00 a.m., with accessory outdoor dining, under Sections 3.352.1 and 5.041 of the Zoning Bylaw, at 1A Boltwood Walk.
- § To establish a Class II restaurant and bar, d/b/a High Horse Brewery, with accessory outdoor dining, with hours of operation until 1:00 a.m., under Sections 3.352.1 and 5.041 of the Zoning Bylaw, at 24 North Pleasant Street.

Denied

The Zoning Board of Appeals denied the request of a restaurant to extend its hours from 11:00 p.m. to 1:00 a.m., at 231 Triangle Street. The Board cited the location within the Limited Business Zoning District adjacent to abutting residential districts as a basis for the denial.

Public Meetings

The Board held three (3) Administrative Meetings during FY 11 including one training session with Town Counsel and one meeting with the Planning Director and chair of the Zoning Subcommittee to review proposed revisions to the Zoning Bylaw.

The following is a list of the membership in FY 11:

Full Members	Year Appointed	Term Expires
Tom Simpson	2000	2011
Barbara Ford	2003	2012
Hilda Greenbaum	2005	2013
Associate Members	Year Appointed	Term Expires
Eric Beal	2008	2011
Thomas Ehrgood	2009	2011
Mark Parent	2009	2011
Keith Langsdale	2010	2011

Jeffrey Bagg, Senior Planner, provided staff support to the Zoning Board of Appeals during FY 11. Town staff continued to enhance the available online resources, integrating electronic transmittals, and providing the Board members with additional trainings.

The following is a link to the Zoning Board of Appeals webpage: <http://www.amherstma.gov/index.aspx?nid=235>